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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,231	03/16/2001	Philip R. Thrift	TI-20205.1	3125

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EXAMINER

CHAWAN, VIJAY B

ART-UNIT	PAPER NUMBER
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2654

DATE MAILED: 03/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/811,231

Applicant(s)

THRIFT ET AL.

Examiner

Vijay B. Chawan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 20 –26, 29, 35-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Houser et al., (5,774,859).

As per claim 20, Houser et al., teach an apparatus comprising :

a speech user agent (abstract – “the system includes a ... information in accordance with the recognized utterances of the speaker”); and,

a browsing module for the Internet or the World Wide Web (WWW) being responsive to said speech user agent, said speech user agent facilitating voice activation of said browsing module to access an information resource on the Internet (Col.11, lines 47-50).

As per claim 21, Houser et al., teach the apparatus of claim 20, wherein said access of said information resource is accomplished in part through the use of a grammar embedded in said information resource, (Col.8, lines 29-38).

As per claim 22, Houser et al., teach the apparatus of claim 21, further including a means for processing the verbal directions of a user based on said grammar, (Col.8, lines 29-38).

As per claim 23, Houser et al., teach the apparatus of claim 22, further including a means for returning a result of said verbal directions to said user (Col.11, lines 42-50).

As per claim 24, Houser et al., teach the system of claim 21, teach Internet service (Col.11, line 50), which has as its resource an HTML page (Col.30, lines 6-18).

As per claim 25, Houser et al., teach the apparatus of claim 20, further including an instructional module for communicating allowed actions by a user (Col.18, lines 14-20).

As per claim 26, Houser et al., teach the apparatus of claim 21, wherein said embedded grammar is a smart page grammar which is inherent in a hypermedia system such as the Internet (Col.11, lines 47-50).

As per claim 27, Houser et al., teach embedded grammar as a reference to a grammar located in said information resource (Col.14, line 61 – Col.15, line 18).

As per claim 29, Houser et al., teach the apparatus of claim 22, wherein said actions come from a speech recognizer (abstract).

Claim 35 is an apparatus claim similar in scope and content of claim 20 and is rejected under similar rationale.

Claim 36 is a method claim similar in scope and content of the apparatus claim 20 and is rejected under similar rationale.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 28, 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Houser et al., (5,774,859) as applied to claim 21 above, and further in view of Arons ("Hyperspeech: navigating in speech-only hypermedia", Proceedings of the third annual ACM conference on Hypertext, December 15-18, 1991, pages 133-146).

Houser et al., while teaching, connecting and accessing data on the Internet do not specifically teach dynamically adding grammar to a speech recognizer, extracting a grammar from a hypermedia source, automatically producing an intelligent grammar from said information source, processing said grammar to produce a reference to said hypermedia source, and tokenizing a title for addition into said grammar. Arons teaches dynamically adding grammar to a speech

recognizer, extracting a grammar from a hypermedia source, automatically producing an intelligent grammar from said information source, processing said grammar to produce a reference to said hypermedia source, and tokenizing a title for addition into said grammar (abstract, sections "Plans for future versions", sections "Software version", and "The links").

It would have been obvious to one with ordinary skill in the art at the time of invention to implement navigating in speech only hypermedia as taught by Arons, because this would greatly reduce manual intervention, and, at the same time provide the user with much needed access to an information resource such as the World Wide Web or the Internet.

Response to Arguments

5. Applicant's arguments filed 2/4/02 have been fully considered but they are not persuasive. Applicant argues "Where is the "browser" in Houser? ... Houser fails to teach or suggest anything relating to a "browser", a "browsing module for the internet" and/or that such "browsing module" can be activated by the speech user agent". Examiner respectfully disagrees. The definition of the "browser" is the software which moves documents on the World Wide Web to your computer. Houser et al., do teach accessing the Internet to access and gather information available on the Internet (Col.11, lines 31-50). Browser is also a way one can

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access and gather information from the Internet which is taught by Houser et al., using user inputted voice or speech commands. As per claims 21-27, and 29, applicant merely states that the reference fails to teach the claimed limitations. As per claims 28, and 30-34 Applicant argues that the combination of Houser et al., and Arons. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Newton's Telecom Dictionary, page 179, 10th edition 1996, A flatiron Publishing, Inc. Book.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vijay B. Chawan whose telephone number is (703) 305-3836. The examiner can normally be reached on Monday Through Thursday 7-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Vijay B. Chawan
Examiner
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vbc

March 21, 2002

Vijay Chawla